IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.1181 OF 2004

Bhimrao Rupsing Pawar .. Petitioner
V/s
State of Maharashtra & Ors. .. Respondents

Mr.R.K.Mendadkar for the Petitioner.
Mr.C.R.Sonawane for the Respondents.

CORAM: S.RADHAKRISHNAN &
S.A.BOBDE, JJ.
DATE : 12.10.2004.

P.C.:

1. Heard the learned Counsel for the Petitioner and the learned AGP for the Respondents. By this petition, the Petitioner is challenging the order dated 12.12.2003 passed by Respondent No.2 Divisional Caste Certificate Scrutiny Committee. It is the contention of the Petitioner that the said said Committee did not afford an opportunity of personal hearing to the Petitioner. This aspect has not been controverted by the Respondents. Even the learned AGP could ot point out from the affidavit in reply that any such opportunity of personal hearing was ever afforded to the Petitioner.

2. Under the aforesaid facts and circumstances, on the limited issue of non-grant of personal hearing to the Petitioner, we quash and set aside the impugned order dated 12.12.2003 without going into the merits and demerits of the said order and we remand back the matter to Respondent No.2 Committee.

3. It is needless to say that the Respondent No.2 shall

afford personal hearing to the Petitioner. The Petitioner shall appear before the said Committee on 5th November, 2004 to enable the said Committee to fix the schedule of hearing. The Respondent No.2 is directed to dispose of the matter as early as possible, preferrably within a period of four months thereafter. It is made clear that all the contentions & submissions of the Petitioner as well as the Respondents are kept expressly open before the said Committee.

4. The learned Counsel for the Petitioner states that the Petitioner is now pursuing his II M.B.B.S. Under these circumstances, we direct that the Respondent No.4 shall not give effect to the order that might be passed by the Respondent No.2 if the same goes adverse to the Petitioner, for a period of three weeks from the date of communication of the said order to the Petitioner.

5. Rule is made absolute in the above terms.

(S.RADHAKRISHNAN,J.)

(S.A.BOBDE,J.)